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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

**JOSHUA HALL,**  
a consumer residing in  
Multnomah County,

Plaintiff,

v.

**COLUMBIA COLLECTION  
SERVICE, INC.,**  
a domestic business corporation, and  
**DAVID SCHUMACHER,** its  
debt collection attorney,

Defendants.

Case No. 3:14-cv-6

**UNLAWFUL DEBT COLLECTION  
COMPLAINT**

**15 USC § 1692 *et seq.*  
28 USC § 2201(a)**

**DEMAND FOR JURY TRIAL**

1.

**INTRODUCTION**

Mr. Hall, through his attorney Michael Fuller acting as a private attorney general,  
prosecutes Columbia Collection and Mr. Schumacher as follows:

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2.

**PROCEDURAL HISTORY**

In 2009, **Columbia Collection** obtained a judgment against **Mr. Hall**.

3.

In 2012, **Mr. Hall** paid **Columbia Collection** and satisfied its judgment in full.

**Columbia Collection** failed to notify the Court that the judgment was satisfied.

4.

In May 2013, **Columbia Collection** attempted to collect on its previously satisfied judgment from **Mr. Hall**.

5.

In October 2013, **Columbia Collection**, through its debt collection attorney, garnished **Mr. Hall's** Wells Fargo Bank account to collect its previously satisfied judgment.

6.

In November 2013, **Columbia Collection** collected payment on its previously satisfied judgment from **Mr. Hall** under protest.

7.

**Columbia Collection** also interfered with **Mr. Hall's** purchase of a home by reporting false negative credit information about him.

8.

**Mr. Hall** now demands a jury trial to recover fair compensation for the economic loss and emotional harm allegedly caused by **Columbia Collection** and its debt collection attorney.

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9.

**JURISDICTION AND THE PARTIES**

The United States District Court for the District of Oregon has jurisdiction of this action pursuant to 28 USC § 1331 because the FDCPA is a federal law.

10.

Plaintiff Joshua Hall (Mr. Hall) is a natural person residing in Multnomah County, Oregon.

11.

Defendant Columbia Collection Service, Inc. (Columbia Collection) is a domestic business corporation, regularly doing business in Multnomah County, and is a licensed debt collector in the State of Oregon.

12.

Defendant David Schumacher (Mr. Schumacher) is a domestic licensed debt collection attorney, regularly doing business in Multnomah County.

13.

The venue and division of this Honorable Court are proper because the majority of Defendants' acts and omissions were directed at Mr. Hall while he resided in Multnomah County, Oregon.

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14.

**ALLEGATIONS OF UNLAWFUL DEBT COLLECTION**

Mr. Hall is a “consumer” as defined by the FDCPA at 15 USC § 1692a(3) because he is a natural person allegedly obligated to pay a debt to Columbia Collection and or Providence Hood River.

15.

Mr. Hall’s alleged obligation to pay Columbia Collection and or Providence Hood River is a “debt” as defined by the FDCPA at 15 USC § 1692a(5) because it arises out of a consumer transaction, namely emergency medical services that were provided to Mr. Hall.

16.

Columbia Collection is a “debt collector” as defined by the FDCPA at 15 USC § 1692a(6) as it regularly represents to consumers that it is attempting to collect a debt on behalf of another, its principal purpose is providing debt collection services to creditors, and it regularly communicates with consumers regarding defaulted debt, which communications include use of the United States mail system.

17.

Mr. Schumacher is also a “debt collector” as defined by the FDCPA at 15 USC § 1692a(6) as he regularly represents to consumers that he is attempting to collect a debt on behalf of another, his law practice primarily provides debt collection services to others, and he regularly communicates with consumers regarding defaulted debt, which communications include use of the United States mail system.

18.

In 2008, Mr. Hall went to the Providence Hood River emergency room one time.

19.

This is the first and only time Mr. Hall ever received services at Providence Hood River.

20.

In 2009, Columbia Collection sued Mr. Hall on an alleged debt to Providence Hood River and obtained a judgment against him in case number SC09319. See Exhibit 2.

21.

In or around 2011, Mr. Hall received medical services at Providence in Portland, and later paid his medical bill balance in full.

22.

On or around November 8, 2012, Mr. Hall satisfied Columbia Collection's judgment through a settlement-in-full payment. See Exhibit 3.

23.

In or around May 2013, Columbia Collection attempted to collect on the previously satisfied judgment from Mr. Hall by sending him a collection letter dated May 24, 2013. See Exhibit 4.

24.

In or around October 2013, Defendants signed a writ of garnishment based on the previously satisfied judgment and garnished Mr. Hall's bank account with Wells Fargo. See Exhibit 5.

25.

Upon information and belief, the writ of garnishment contained a false certification by Defendants that \$2,515.07 was lawfully subject to collection against Mr. Hall.

26.

Upon information and belief, the writ of garnishment contained a false certification by Defendants that good ground existed to support issuance of the writ.

27.

Upon information and belief, the writ of garnishment contained a false certification by Defendants that they had reasonable knowledge of the facts and made a reasonable inquiry before signing the writ.

28.

In November 2013, Columbia Collection collected payment on the previously satisfied judgment from Mr. Hall under protest.

29.

In 2013, Columbia Collection caused negative entries to be reported on Mr. Hall's credit reports.

30.

Columbia Collection communicated false credit information about Mr. Hall to the credit reporting agencies.

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31.

Columbia Collection knew and should have known the credit information it reported was false because Mr. Hall previously disputed the information in detail with Columbia Collection.

32.

Defendants' communications to Mr. Hall were an attempt to collect a debt from him.

33.

Mr. Schumacher violated the FDCPA by attempting to collect a debt from Mr. Hall that was in excess of the balance, if any, due on the previously satisfied judgment.

34.

Columbia Collection violated the FDCPA by attempting to collect, and later collecting, a debt from Mr. Hall that was in excess of the balance, if any, due on the previously satisfied judgment.

35.

Columbia Collection's communications contained various misleading representations, including false representations of the character and amount of the debt allegedly owed.

36.

Defendants' writ of garnishment to Mr. Hall and Wells Fargo Bank were an attempt to collect a debt from Mr. Hall.

37.

Defendants' writ of garnishment contained various misleading representations, including false representations of the character and amount of the debt allegedly owed.

38.

**FAIR COMPENSATION**

Mr. Schumacher's violations of the FDCPA cause Mr. Hall actual damages including, but not limited to, stress, embarrassment, frustration, damage to reputation, invasion of privacy, and other damages consistent with unfair debt collection in an amount to be determined by a jury, not to exceed \$500,000. Mr. Hall has a right to recover these damages pursuant to 15 USC § 1692k(a)(1).

39.

Columbia Collection's violations of the FDCPA cause Mr. Hall actual damages including, but not limited to, stress, embarrassment, frustration, damage to reputation, invasion of privacy, damage to his credit, lower credit scores, lost opportunities to receive credit, and other damages consistent with unfair debt collection in an amount to be determined by a jury, not to exceed \$500,000. Mr. Hall has a right to recover these damages pursuant to 15 USC § 1692k(a)(1).

40.

Mr. Hall has a right to recover additional statutory damages pursuant to 15 USC § 1692k(a)(2).

41.

Mr. Hall has a right to recover his costs and reasonable attorney fees incurred in prosecuting the FDCPA claim, pursuant to 15 USC § 1692k(a)(3).



42.

Upon information and belief, Defendants' actions were the result of willful indifference for the laws governing debt collection.

43.

Mr. Hall tried to resolve this matter with Columbia Collection on multiple occasions without involving an attorney.

44.

However, as of the date of this Complaint, Columbia Collection has not returned the money it collected from Mr. Hall or returned his most recent phone call.

45.

Columbia Collection has a habit and routine practice of enforcing small claims judgments against consumers by violating the laws governing debt collection. For example, see Exhibit 1.

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46.

**CAUSES OF ACTION**

**CLAIM ONE**

**UNLAWFUL DEBT COLLECTION**

**(15 USC § 1692k)**

Mr. Hall re-alleges all of the above paragraphs.

47.

**(Count One)**

Defendants' actions as alleged above violated the general application of 15 USC § 1692 subsection e.

48.

**(Count Two)**

Defendants' actions as alleged above violated the general application of 15 USC § 1692f.

49.

**(Count Three)**

Defendants' actions as alleged above specifically violated 15 USC § 1692e(2).

50.

**(Count Four)**

Defendants' actions as alleged above specifically violated 15 USC § 1692e(4).

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51.

**(Count Five)**

Defendants' actions as alleged above specifically violated 15 USC §1692e(5).

52.

**(Count Six)**

Columbia Collection's actions as alleged above specifically violated 15 USC §1692e(8).

53.

**(Count Seven)**

Defendants' actions as alleged above specifically violated 15 USC §1692e(10).

54.

**(Count Eight)**

Columbia Collection's actions as alleged above specifically violated 15 USC §1692f(1).

55.

**(Count Nine)**

Defendants' actions as alleged above specifically violated 15 USC §1692c(b).

56.

Defendants directly injured Mr. Hall through their various violations of 15 USC § 1692 *et seq.* as alleged above.

57.

As a result, Mr. Hall is entitled to recover fair compensation, including actual damages, statutory damages, costs and reasonable attorney fees pursuant to 15 USC § 1692k.

58.

**CLAIM TWO**

**DECLARATORY RELIEF**

**(28 USC § 2201(a))**

Mr. Hall re-alleges all of the above paragraphs.

59.

Mr. Hall requests this Honorable Court issue the following declarations on the record so he can fix his credit history and clear his name:

- a. In 2012, Mr. Hall paid Columbia Collection and satisfied its judgment in full.
- b. In 2013, Columbia Collection attempted to collect a debt from Mr. Hall that was in excess of the balance, if any, due on his account.
- c. Columbia Collection's attempt to collect debt from Mr. Hall violated the FDCPA.

60.

**DEMAND FOR JURY TRIAL.**

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**WHEREFORE**, Mr. Hall seeks order and judgment against Defendants as follows:

1. Declaratory relief as requested in paragraph 59 above;
2. An award of compensatory damages not to exceed \$500,000;
3. An award of statutory damages;
4. An award reimbursing him for the costs of prosecuting this action, together with a reasonable attorney's fee;
5. Any other equitable relief this Honorable Court may determine to be fair and just.

DATED: January 2, 2014

RESPECTFULLY FILED,

s/ Michael Fuller

Michael Fuller, Oregon Bar No. 09357

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